

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR
PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY
WRIT PETITION NO : 10919 of 2004

Between:

- 1 Sri Naidu Veeraju S/o Seethanna
All are residents of Madduru Village, Kovvur Mandal West Godavari Dist., and Hindus, Occ:Cultivation
- 2 Sri Alapati Surya Vardhanam S/o Veeraju
All are residents of Madduru Village, Kovvur Mandal West Godavari Dist., and Hindus, Occ:Cultivation
- 3 Sri Alapati Venkateswar Rao S/o Veeraju
All are residents of Madduru Village, Kovvur Mandal West Godavari Dist., and Hindus, Occ:Cultivation
- 4 Sri Alapati Rajarao S/o Veerajau,
All are residents of Madduru Village, Kovvur Mandal West Godavari Dist., and Hindus, Occ:Cultivation
- 5 Sri Sangeetha Srinivas, Venkat Vara Prasad S/o Ramarao
All are residents of Madduru Village, Kovvur Mandal West Godavari Dist., and Hindus, Occ:Cultivation
- 6 Sri Gannamani Ramarao, s/o Subbanna
All are residents of Madduru Village, Kovvur Mandal West Godavari Dist., and Hindus, Occ:Cultivation
- 7 Sri Polisetti Veeranna S/o Narayudu
All are residents of Madduru Village, Kovvur Mandal West Godavari Dist., and Hindus, Occ:Cultivation
- 8 Sri Polisetti Badram S/o Pedaramappa
All are residents of Madduru Village, Kovvur Mandal West Godavari Dist., and Hindus, Occ:Cultivation
- 9 Sri Sunkavalli Srinivasa Rao S/o Subbarao,
All are residents of Madduru Village, Kovvur Mandal West Godavari Dist., and Hindus, Occ:Cultivation
- 10 Sri Kanuru Narasimha Murthy S/o Ammiraju
All are residents of Madduru Village, Kovvur Mandal West Godavari Dist., and Hindus, Occ:Cultivation
- 11 Sri Gannamani Venkatarao S/o Subbarao
All are residents of Madduru Village, Kovvur Mandal West Godavari Dist., and Hindus, Occ:Cultivation

- 12 Smt. Sangeetha Lakshmi Kantham W/o Ramarao,
All are residents of Madduru Village, Kovvur Mandal West Godavari
Dist., and Hindus, Occ:Cultivation
- 13 Sri Naidu Satyanarayana S/o Surya Rao
All are residents of Madduru Village, Kovvur Mandal West Godavari
Dist., and Hindus, Occ:Cultivation
- 14 Sri Gullapalli Krishna Rao S/o Seethanna
All are residents of Madduru Village, Kovvur Mandal West Godavari
Dist., and Hindus, Occ:Cultivation
- 15 Sri Menni Kotaiah S/o Sriramulu
All are residents of Madduru Village, Kovvur Mandal West Godavari
Dist., and Hindus, Occ:Cultivation
- 16 Sri Menni Venkateswarlu S/o Sriramulu
All are residents of Madduru Village, Kovvur Mandal West Godavari
Dist., and Hindus, Occ:Cultivation
- 17 Sri Saneetha Peda Apparao S/o Dorayya
All are residents of Madduru Village, Kovvur Mandal West Godavari
Dist., and Hindus, Occ:Cultivation
- 18 Sri Sangeetha China Apparao, S/o Dorayya
All are residents of Madduru Village, Kovvur Mandal West Godavari
Dist., and Hindus, Occ:Cultivation
- 19 Sri Gullapalli Venkateswararao S/o Veeranna
All are residents of Madduru Village, Kovvur Mandal West Godavari
Dist., and Hindus, Occ:Cultivation
- 20 Sri Gullapali Venkateswaralu, S/o Veeranna
All are residents of Madduru Village, Kovvur Mandal West Godavari
Dist., and Hindus, Occ:Cultivation
- 21 Sri Polisetti Subbarao S/o Krishnamurthy,
All are residents of Madduru Village, Kovvur Mandal West Godavari
Dist., and Hindus, Occ:Cultivation
- 22 Sri Polisetti Subbarao S/o Krishnamurthy
All are residents of Madduru Village, Kovvur Mandal West Godavari
Dist., and Hindus, Occ:Cultivation
- 23 Sri Kanuri Bangarappa S/o Gandhi
All are residents of Madduru Village, Kovvur Mandal West Godavari
Dist., and Hindus, Occ:Cultivation
- 24 Sri Katragadda Rajayya S/o Rattayya
All are residents of Madduru Village, Kovvur Mandal West Godavari
Dist., and Hindus, Occ:Cultivation

..... PETITIONER(S)

AND

- 1 The Govt.of AP. Rep. by its secretary , Department of Reveue
(Endowments)
Secretariat, Hyderabad

2 Sri Chakravarthula Tatacharyula Trust, rep. by its, Executive officer
Madduru Village, Kovvuru Mandal , West Godavari District
.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the 2nd respondent in evicting the petitioners from the lands admeasuring to an extent of Ac. 1.10 cents in R/s No.72, 1.90 in R/s No.73, 1.85 in R/s No.73, 1.85 in R/s No.73, 1.00 in R/s No.73, 0.80 in R/s No.66, 1.00 in R/s No.74, 1.00 in R/s No.74, 2.09 in R/s No.55/2, 1.70 in R/s No.66, 3.30 in R/s No.66, 1.00 in R/s No.72, 3.40 in R/s No.66, 3.70 in R/s No.78, 0.85 in R/s No.72, 0.85 in R/s No.72, 0.55 in R/s No.72, 0.55 in R/s No.72, 0.67 1/2 in R/s No.54, 0.67 in R/s No.54, 1.00 in R/s No.74, 1.50 in R/s No.74/1, 1.70 in R/s No.66 and Ac.1.10 cents in R/s.72 respectively in Madduru Village, Kovvuru Mandal, West Godavari District, without issuing any notice or without any due process of law as contemplated in the provisions of The Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987, as arbitrary, illegal, null and void and against the principles of natural Justice and norms of the public policy

For the Petitioner: MR.VENKATESWARA RAO GUDAPATI

For the Respondent No.1 : GP FOR ENDOWMENTS

For the Respondent No.2: Smt N.Indrani, Standing Counsel for Temples

The Court made the following order:

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W P.NO.10919 OF 2004

This writ petition is filed by the petitioners, who are 24 in number, claiming to be the tenants of the second respondent institution in respect of an extent of Ac.35-00 of dry land situated in Madduru village, Kovvur Mandal, West Godavari District.

According to the petitioners, they are in possession of small extents of about Ac.1-00 and odd each and they are continuing as tenants since several years. It is also the case of the petitioners that they are entitled to the benefits of the provisions of A.P. Charitable and Hindu Religious Institutions & Endowments Act, 1987 (for short the Act) as well as the Rules framed in G.O.Ms.379 dated 11-03-2003. Therefore, the claim of the petitioners is that they are entitled to continue in possession and the respondents are not entitled either to evict the petitioners or to hold the public auction of the leasehold rights. Therefore, the present writ petition has been filed apprehending that the respondents may dispossess the petitioners.

The learned Standing Counsel for the second respondent stated that the respondents did not take any steps either to evict the petitioners or to hold public auction of the leasehold rights. The Court while ordering notice before admission on 30th June, 2004, ordered status quo to be

maintained and also further directed the petitioners to make appropriate applications before the Assistant Commissioner of Endowments for adjudication of their rights under Section 82 (2) of the Act read with G.O.Ms.No.379.

At the time of hearing, the learned Standing Counsel for the second respondent stated that some of the petitioners are in arrears, especially the 11th petitioner, who is a tenant in respect of Ac.3-30 cents, is in arrears of more than Rs.40,000/-. Therefore, appropriate directions may be issued to the petitioners to pay the arrears. The learned Standing Counsel also represented that a complaint was filed before the A.P. Lokayuktha as complaint No.1232 of 2003 complaining against the respondents that they are not conducting public auction of the lease hold rights in spite of the fact that the present lease is valid up to 2005.

Heard both sides and considering the material on record, as the petitioners who were already directed to make appropriate applications to the Assistant Commissioner of Endowments, if such applications are made, the Assistant Commissioner of Endowments is further directed to dispose of the said applications expeditiously preferably within a period of two months from the date of receipt of copy of this order. Pending adjudication of the above claims of the petitioners, the respondents are directed not to evict the petitioners from the land in their respective possession. This order, however, does not preclude the respondents to take appropriate action to recover the arrears of rent payable by the petitioners including steps to evict the petitioners if the petitioners fail to pay the arrears of rent.

In the result, the writ petition is accordingly disposed of.

7-7-2004

Note:
Issue CC
in three days.

B/o
rkk

To

- 1 The Govt.of AP. Rep. by its secretary , Department of Reveue
(Endowments)
Secretariat, Hyderabad
- 2 The Executive Officer, Sri Chakravarthula Tatacharyula
Trust, Madduru Village, Kovvuru Mandal , West Godavari District
3. Two CCs copies to GP for Endowments.
4. Two CD copies.